

Meeting of 2006-6-27 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JUNE 27, 2006 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor ProTem Jeff Patton                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk  
   COL Sonny Uberti, Fort Sill Liaison

Mayor Pro Tem Patton called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Greg Baxter, Lawton Baptist Tabernacle, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Rex Givens, Ward Two

Janice Drewry, Ward Three  
Keith Jackson, Ward Four

Robert Shanklin, Ward Five  
                                 Stanley Haywood, Ward Seven  
                                 Randy Warren, Ward Eight

ABSENT: None

MAYOR'S CERTIFICATE OF RECOGNITION FOR MICHAEL A. FIGUEROA, III FOR PARTICIPATING IN THE FIRST EVER SPECIAL OLYMPICS NATIONAL GAMES.

Mayor Pro Tem Patton presented a certificate to Michael Figueroa for representing Lawton-Fort Sill and the State of Oklahoma in the National Special Olympics Summer Games held in Aames, Iowa on July 2-7, 2006.

PSO-AEP DONATION OF \$3,000 TO THE 2006 CLEAN AIR LAWTON CAMPAIGN

John Romano, Public Service Company of Oklahoma, presented a check for \$3,000 to Mayor Pro Tem Patton for Lawton s Clean Air Campaign.

AUDIENCE PARTICIPATION

Arthur Shipley, 4829 NW Floyd Avenue, distributed photographs of his vehicle. He stated approximately two weeks ago he hauled trash to the landfill and was stopped for 30-45 minutes before he was allowed to dump. Staff told him he was a commercial vehicle because he has a magnetic sign and staff could not read it. Just because there is a magnetic sign on a vehicle does not mean it is a commercial vehicle. He stated it is very confusing.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF MAY 9, 2006.

MOVED by Warren, SECOND by Givens, to approve the Minutes of May 9, 2006. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Patton requested item #3 be considered separately.

MOVED by Shanklin, SECOND by Jackson, to approve the Consent Agenda items as recommended with the exception of item #3. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

1. Consider the following damage claims as recommended for denial: ZC Sterling Insurance Agency, Inc. in the amount of \$2,246.93. Exhibits: Legal Opinion/Recommendation.

2. Consider approving the settlement proposal as full and final satisfaction of the subrogation of the Blue Cross/Blue Shield Insurance Company claim involving Larry Mahamed in the reduced amount of Three Thousand Eight Hundred Ninety-Two and 76/100 Dollars (\$3,892.76) and authorize the City Attorney to execute the necessary documents. Exhibits: None.

3. Consider accepting a utility easement from Dr. Kelsey and his wife for an existing sewer line located in the Northeast Quarter of Section 11, Township 1 North, Range 12 West, I.M., and authorize the Mayor and City Clerk to execute the easement. Exhibits: Location Map. Utility easement is on file in the City Clerk's Office.

Vincent stated he believes it would be appropriate for the City Council to not only accept this, but authorize the Mayor to send a letter thanking Dr. Kelsey for the donation.

MOVED by Warren, SECOND by Shanklin, to accepting a utility easement from Dr. Kelsey and his wife for an existing sewer line located in the Northeast Quarter of Section 11, Township 1 North, Range 12 West, I.M., and authorize the Mayor and City Clerk to execute the easement and authorize the Mayor to send a thank you letter. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

4. Consider authorizing litigation in the City s collection efforts to recover damages to a City vehicle caused by a vehicle operated by Aaron Koomsataddle. Exhibits: None.

5. Consider approving an Amendment to the Professional Services Agreement with Mackey Law Firm, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Agreement and Amendment are on file at the City Clerk s office.

6. Consider accepting the Fire Station #3 & Fire Station #4 Re-Roofing Project #2005-14 as constructed by Briggs Rainbow Buildings, Inc. dba BRB Roofing and placing the Maintenance Bond into effect. Exhibits: None.
7. Consider setting a date of August 8, 2006, to hold a public hearing and consider an ordinance closing the alley in Block 10, College Addition between SW C and SW D Avenues and between SW 27<sup>th</sup> Street and University Drive. Exhibits: Application, Location Map, Site Plan and Council Policy 5-1.
8. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk).
9. Consider accepting an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C., and provide guidance to staff as appropriate. Exhibits: Engagement letter with Crawford and Associates, P.C.
10. Consider amending the Escrow Agreement entered into with Government e-Management Systems on December 13, 2005 and establish the escrow account with City National Bank, Lawton, Oklahoma. Exhibits: Resolution authorizing the Mayor to open an Escrow Account with City National Bank, Lawton, Oklahoma solely for the payment of maintenance fees to Government e-Management systems. **Resolution 06-107.**
11. Consider the adoption of a resolution approving action taken by the Lawton Water Authority authorizing issuance, sale and delivery of the Authority's promissory note to the Oklahoma Water Resources Board, ratifying and confirming a certain lease agreement, as amended, and containing other provisions related thereto. Exhibits: **Resolution No. 06-108** and approved loan application.
12. Consider endorsing the Federal Fiscal Year 2007-2010 Transportation Improvement Program (TIP) for the Lawton Metropolitan Transportation Study area. Exhibits: Summary of Funding. FFY 2007-2010 TIP on file in the Office of the City Clerk.
13. Consider approving the Employee Health Committee and Human Resource Director's recommendation on awarding the stop loss carrier bid to High Mark Insurance for the fiscal year 2006-2007 benefit plan. Exhibits: Bid sheet, Detailed breakdown of bids for Zurich and High Mark carriers.
14. As Directed in Budget 06-07 discussion, recognize the placement of Right of Way Agent in the pay plan at GE 09 and Zoning and Subdivision Administrator in the pay plan at GE 10. Exhibits: **Resolution No. 06-109.**
15. Consider awarding (CL06-054) Copper and Brass Items 1-107 to Water Products of Oklahoma, Inc., of Owasso, Oklahoma; and Items 108-109 to National Waterworks of Oklahoma City, Oklahoma. Exhibits: Abstract of bids and department recommendation.
16. Consider awarding (RFPCL06-055) HVAC Services to Johnson Controls-York Service of Oklahoma City, Oklahoma. Exhibits: Department recommendations and abstract of Proposals.
17. Consider awarding (CL06-057) Valve Repair Parts PS #4 to Environmental Improvements, Incorporated of Lewisville, Texas. Exhibits: Abstract of bids and department recommendation.
18. Consider approving appointments to boards and commissions. Exhibits: None.
19. Consider approval of payroll for the period of June 5- 18, 2006. Exhibits: None.

#### BUSINESS ITEMS:

Mayor Pro Tem Patton requested that item #28 be stricken. He requested that items #27 and #24 be considered next.

Shanklin questioned why item #28 was stricken.

Patton stated that the initiator, Councilmember Drewry, requested that the item be stricken.

27. Consider a resolution exempting the Lawton Boys Home, Inc., located at 211 NW 3<sup>rd</sup> Street from the moratorium on the issuance of building permits as established in Resolution No. 06-94. Exhibits: Resolution No. 06-\_\_.

Bob Wiseman, 6940 NW Sprucewood Drive, stated there is a home where they take boys from a juvenile facility. They would like to remodel the garage and add a 6 x12 room on the back of the garage for a washer, dryer, shower and sink. They also need to pour some concrete out front so they can park cars. He requested an exception exempting this property from the moratorium.

Patton stated he visited with Mr. Wiseman and all he is planning on doing is adding on to the existing home.

Shanklin stated this is dealing with the same moratorium as the item that Ms. Drewry struck off the agenda. At 305 Arlington they approved a permit for a fence, which is permanent. He does not understand why it is fair to strike the other item. He questioned when they included remodel permits.

Vincent stated remodel permits have always been included in the moratorium except on dilapidated buildings.

Shanklin stated there are about a dozen dilapidated buildings down there that they can't get on the D&D list.

Patton stated he looks at the intent of the moratorium, which is not to have people making sizeable investments in that area if they are trying to revitalize that area.

Shanklin stated Mr. Adamson's building is mobile and it looks nice. He stated they are alienating a bunch of folks with the crap they have been pulling.

Mr. Wiseman stated this will be the nicest property in the neighborhood when they are finished.

Haywood questioned if Mr. Wiseman received his siding.

Mr. Wiseman stated they should receive the siding the second week of July.

MOVED by Patton, SECOND by Drewry, to adopt **Resolution No. 06-110** exempting the Lawton Boys Home, Inc., located at 211 NW 3<sup>rd</sup> Street from the moratorium on the issuance of building permits as established in Resolution No. 06-94. AYE: Haywood, Shoemate, Givens, Drewry, Shanklin, Patton. NAY: Warren, Jackson. MOTION CARRIED.

24. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to amend boathouse fees at Lake Lawtonka and Lake Ellsworth and charges for youth sports and declaring an emergency. Exhibits: Resolution 2006-\_\_\_\_.

Kim Shahan, Parks and Recreation Director, stated during the budget review, the City Council requested a recommendation from the Lakes and Land Commission and the Parks and Recreation Commission. The Council requested a recommendation from both commissions on the fee structures for boathouse fees and fees pertaining to youth sports. He stated there are commissioners from both commissions in the audience to answer any questions regarding their recommendations.

Shoemate stated he is against this big increase which is recommended for the youth sports program. He stated they are looking at over doubling the price and they have less teams playing right now than they have had in a number of years. He stated that maybe the problem is that a lot of this money is going to the schools and not the Parks and Recreation Division which is putting on the program. He does not want to see those charges increased and kids cannot play. He would much rather increase the numbers of those playing. He stated if they would give the smaller schools a large amount of transfers and scale it down where the large schools have zero transfers because they don't need them. Rather than increasing fees, he just wants the kids to be able to play.

Shahan stated in the budget, officials and scorekeepers were to be addressed in terms of how they are to be paid. The commission looked at all of the sports, with football having 48 teams, basketball has 132 teams, volleyball with 8 teams and baseball and softball has 93 teams. The Commission took those numbers and looked at the amount of games per league play, the total number of games played and what it cost for two officials and a scorekeeper. That is how they came up with the total cost to operate that program. They submitted a proposal allowing for 50% of that cost to come from the team entry fees. That is how they came to arrive at the fee scale and determining what the appropriate amount should be for a team if they are going to play. He understands the philosophy of trying to create more teams but the teams are in place and have been very consistent for the past seven years. He stated he was asked to present what it would cost to operate the program in utilization of scorekeepers and officials. Information is included regarding what other communities charge in comparison. There was much discussion whether the increase should be progressive. These fees are not paying for maintenance of fields or employees.

Haywood stated that booster clubs are charging \$25 - \$50 for kids to play. The problem is the booster clubs. If the kids cannot pay the money to play, then those kids are eliminated. They are priced out of participating in little league sports. The problem is not with recreation, it is with the booster clubs.

Shoemate stated he agreed. He stated he would like to table this portion of the item because they just received this information.

Jackson stated during the budget sessions it was brought to the attention of the entire council about the fees charges for youth sports and the fees charged for boathouses. At that time the council asked Shahan to come back with recommendations from the Parks and Recreation Commission and the Lakes and Lands Commission. Shahan did exactly what the council asked him to do. He stated he attended both of these meetings because he wanted to be educated and up to date on where we are at regarding these fees. At the Parks and Recreation Commission there was real concern by the commissioners, who serve voluntarily, that there was such a discrepancy between the amount of money that was costing the City of Lawton to operate the youth leagues and programs and the amount of money brought in by those teams and booster clubs. It is a huge difference. The question is if we want to continue to fund those programs out of the city budget to help youth along and keep them out of trouble. He requested Dwayne Burk, who was in attendance representing the Parks and Recreation Commission, address the City Council. He does believe there is some justification in increasing the youth sport programs as well as the boathouse fees. If the council has a problem with this, they need to give staff some direction to go back and do something different, rather than criticize.

Shoemate stated he was not criticizing, but he feels this increase is too much. He would like to study the information, bring it back and come back with another solution.

Dwayne Burk, 1335 Ash, stated on behalf on the Parks and Recreation Commission, he would like to clarify that there was great concern. They talked about every aspect of the youth sports program from the cost of officials to the facilities, upkeep, lights, and how much it costs to have a good quality program. That is the goal of everyone. They looked at the information that was provided and it was obvious that they were underfunding the program because the majority of the complaints are regarding inadequate officials. If you pay good money for the officials, you get better officiating. If you invest more in your fields and facilities, there will be more people come out and participate. This is difficult if we are having to supplement the entire program just for kids to come out and play. They need to make a decision if they want to have a quality program or do they want to have a program where everyone plays, but it does not matter what it looks like. Unless the city wants to provide the extra funding, they need to find a way to help finance a quality program. He stated they are far below in their rates. He stated the commission feels that 50% of the fees that it takes to pay the scorekeepers and officials is a reasonable amount to charge each team. If a child cannot afford these rates, there is money available through the booster clubs.

Shanklin questioned how much money this was going to take.

Shahan stated the total cost for the operation for officials and scorekeepers is \$80,584. That is the figure that was calculated in all the sports to be able to determine the rate for the fees.

Drewry stated that we do want to provide a quality program for the kids, but she also would like every child to have the opportunity to play and many of them cannot afford the cost. She would like to take the time to study the situation and see if they can come up with a way to make sure every child that wants to play has that opportunity.

Shahan stated that the Parks and Recreation Commissioners took a lot of time in preparing and making those considerations with the thought that there needed to be a change in the fee structure.

Shanklin questioned who would get the money that is collected.

Shahan stated it would go into the general operating budget.

Warren stated it would go into the budget to be used next year. This year is paid for. He agrees that the commission has done a lot of work and know more about this than the council.

Drewry stated they did a great job, but she knows through her work with the Boys and Girls club that every child will not be able to pay this fee.

Mitchell stated there is \$5.5 million dollar expenditure budget, but the total fees collected for recreation programs is less than \$300,000. He questioned when the fees were last raised.

Shahan stated they have not been increased in the seven years he has been here.

Haywood stated are they in this business to make money or serve the citizens.

Mitchell stated we are in the business of trying to cover our costs for providing these programs. Even if they approve these fee increases the city is still paying for half of the program. We are just talking about paying half for just the scorekeepers and umpires.

Haywood questioned Mr. Burke how much the booster club at Whittier paid for their program.

Burke stated for football, they receive \$50 per player. That covers the uniform, pad and player fee. They make no money.

Haywood stated if a student is eating free or reduced lunch, how can they pay \$50?

Burke stated that is the cost to play the game. The cost of the equipment is actually \$150-\$200 for one player. He stated they typically find a way to scholarship those players who cannot afford to pay. They have fundraisers and every bit of that money goes straight to the booster club account and that is how they supplement the sporting events that pay for themselves. Football is the most expensive sport you can play.

MOVED by Shanklin, SECOND by Haywood, to table this item. AYE: Warren, Shoemate, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: Givens. MOTION CARRIED.

Jackson suggested they now give some direction.

Shoemate stated he is not opposed, but he is opposed to a giant step. Maybe there is another way. He stated he cannot make a decision on this at the last minute. He feels the Parks and Recreation Commission did a great job.

Shahan asked if they wanted to discuss the other item.

Patton stated the motion was to table the whole item.

Shanklin stated he meant to table just the youth sports fees.

Vincent stated the motion was to table the whole item, but Mr. Shanklin may bring it back and amend his motion.

MOVED by Shanklin, SECOND by Haywood, to table the youth sports issue. AYE: Shoemate, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: Givens. MOTION CARRIED.

Shahan stated just as the youth sports request, there is a recommendation from the Lakes and Land Commission regarding a fee structure for the boathouse users at Lake Lawtonka and Lake Ellsworth. The recommendation was to increase current boathouse fees 50% starting January 1, 2007 and increase 20% per year after 2007 for the next five years with a minimum fee per space starting at \$600 for School House Slough, \$500 for Robinson s Landing and \$400 per space at Lake Ellsworth. The vote for the Lakes and Land Commission on this recommendation was 5-0 in favor.

Drewry stated she agrees with the increase of 50%, but she disagrees with increasing the fees by 20% every year for five years thereafter. She thinks this is too much. There are a lot of things we don t provide out there that are provided at other lakes. There is a situation at Lawtonka where we have allowed all these trailers houses and we have over populated a lake that really can t handle that much. It is dangerous out there. She suggested the 50% increase is held for three years and then they look at the situation again.

Vincent stated his staff only placed the 50% increase in the resolution and the attachments. If the City Council approves as written, the resolution would only include the 50% increase.

Jackson stated he would like the representative from the Lakes and Land Commission to speak about how they arrived at this recommendation.

Brendan Wolverton, 7621 Wyatt Lake, stated he is in attendance on behalf of Grandville Long, who is the Chairman of the Lakes and Land Commission. He stated the boathouses at School House Slough are paying \$12 a frontage foot and it is \$8 a frontage foot at Robinson s Landing and Ellsworth. Four years ago they did some comparative studies with Lake Murray, Texhoma, Eufala, Tenkiller and some other lakes, and they found that those fees were so much higher and they did not feel that they were good comparisons. They began to use School House Slough wet slips as the comparison, which they pay \$600 per year. They feel like the city has an asset and we are responsible to manage the asset in a prudent manner.

They considered billing on a square footage basis, but that would be too hard to actually implement. Their intent was not to penalize anyone, but to simply increase the rates on a graduated basis. They did discuss issues like the boathouse owners maintaining the shore lines and lawns. They do not have sewer, so they did recognize those differences as compared to the trailer homes.

Shahan stated he distributed information regarding what a boathouse operator pays to our concessionaire at School House Slough. A boathouse that sits next to a City of Lawton boathouse, that fee is \$1740, paid to the concession operator.

Drewry stated she called Bill Drewry, because he has a boathouse at Texhoma, and he is paying \$60 for a three year permit. If you rent one from the concessionaire, you have to pay \$1,500 - \$1,700.

Patton stated there are several people who would like to speak on this issue.

Alberta Henderson, 315 NW 67<sup>th</sup>, stated she is concerned with the water level at Robinson s Landing. She stated several people are not being charged because there is no water in their area. She questioned why the City won t go in and dredge so there will be some water. She stated this is not safe. They need to do something about the situation at Robinson s Landing. They do not have a store, the store is vacant. She questioned where their 2006 tags are that they paid for in January.

David Baggett, Boathouse #25 at Robinson s Landing, stated they have high weeds and roads that need repair. He stated they have five boathouses for sale and four empty spots. He would like to know where those people are that are supposedly waiting in line for those spots. He stated they cannot make a comparison with the wet slips at School House Slough. Why don t they compare the fees with the wet slips at Robinson s Landing. He stated he understands that they cannot control the water, but Lawton is not getting any smaller and the water usage will not go down. The city is doing nothing to deepen the water.

Jackson stated he attended the Lakes and Land Commission meeting to educate himself on where we were at. Obviously, the city has no control over the water situation and it is pitiful. He stated the City Council has approved several waivers of boathouse fees for these boathouses that went dry. He suggested that they apply for that waiver. He stated there is no money in the budget for dredging.

Jerry Thornton, 504 SW 75<sup>th</sup>, stated until today he was a boathouse owner at Robinson s Landing. He has had no water for the past year. He met with the Lake Superintendent and was told that he had reserved a tractor that would be used at Robinson s Landing to make it usable again. When this was not done, he was informed by Mr. Shahan that the City of Lawton owned only one tractor and that the lake had little or no priority and it would not be taken out there. He stated the City Council needs to go out there and look at Robinson s Landing. They need to clean the area up, for health reasons.

Bobby Sparks, stated he owns property at the lake and he is concerned about the water level, which he knows we cannot control. He distributed a satellite photo of Robinson s Landing. He stated there is approximately 25 wide that is navigatable with a boat. He stated the water is depleting day by day and they will be dealing with a health problem. He requested that the city not increase the fees until these issues have been resolved.

Jason Buschman, 121 NW 36<sup>th</sup>, stated as a boathouse owner, they feel they should not be the ones to supplement the city s income for the use of the whole city. They receive very little services from the city and they maintain their own land. He stated to base this on square footage of land is inadequate. Lake Lawtonka is an asset to this city, but there are other ways to raise money for the city. He suggested that if there is another discussion on this issue or another committee formed that it include one or two members from the boathouse community. He has not been to many lakes where there is not a charge for putting in and taking out the boat. He suggested more police enforcement of lake rules. He stated they should investigate other things that other lakes do that can raise money for the area.

King Wiggins, 1131 NW Maple, stated they get no services out at School House Slough. They maintain everything. He stated when he was on the Lakes and Land Commission many years ago, the group brought to the City Council a 20% increase for five years. The council voted it down. He is opposed to doubling the rate all at once. He suggested that if they want the lakes to run smoother and increase the fees, why not make a Lakes and Land Authority and all of the money raised from fees goes back into the authority for the improvement of the lakes.

Phil Easton, 711 Heinzewood Circle, stated being a boat dealer for 45 years he has had opportunities to travel all over the United States. Fees for Lake Texhoma is \$20 a year and for Grand Lake it is under \$100 a year. There is no comparison to the recreational opportunities on those lakes. He does not have a problem with the fee increase, but he does have a problem with singling out a specific group. He has not heard one word about raising these fees because the city is in financial trouble. If the city needs to raise fees, raise fees across the board.

Shanklin stated he does not see how we can charge those who cannot use their boathouses. If they cannot sit level, they should not have to pay anything. He stated School House Slough is the number one spot and it is cheap.

Ray Biesche, 1610 NW 33<sup>rd</sup> Street, stated he had a boathouse at School House Slough which he sold for \$75,000. It had 1700 square feet. That same boathouse on Grand Lake would sell for \$250,000. He felt very fortunate to get what he got out of his, but he knew it was worth more. He is not against raising the fees, but he is against doubling the fee right now.

Imogene Stockton, Anadarko, stated she has been coming to Lake Lawtonka since she was a child. She is a resident of Robinson s Landing. For two years there has been no water rationing in Lawton and she suggested that the city implement a plan.

Shahan stated that there is a contract in the Legal Division concerning the operations at Robinson s Landing. The boathouses will be a part of that lease and that opportunity will be made available to the concessionaire operator when he takes over that facility.

Vincent clarified that the current dealing with the proposed concessionaire is to include all of the boathouse slips in the concessionaire lease where he will control them like the boathouses at School House Slough.

Jackson stated the suggestion of the Lakes and Land Commission is raising the rates by 50%, not doubling. There is no one talking about doubling rates at this point.

Mitchell stated the city collected about \$223,000 in revenue and the budget in the lakes division was over \$560,000. If an authority is created, as suggested, they would have to raise \$260,000 to break even.

Vincent stated the lakes are controlled by the Oklahoma Water Resources Board as primary fresh water drinking lakes, not recreation lakes. If we create an authority, we would have some legal hurdles to address.

Jackson stated when he was on the City Council in the mid 80 s, he and Mr. Shanklin moved \$50,000 from a rate increase with the fishing license and used that as seed money to qualify for state and federal grants for improvements. Years later when the budget got tight, the city needed that money.

Mark Garrickson, Boathouse #27, stated they need to justify the rate increase and give a good reason why. He stated everyone would be willing to pay the 20% more if there are some kind of improvements. They want to be fair, but in five years they would have doubled or tripled what they are paying now. The figures do not add up.

Buford Rooks, 6410 NW Compass Drive, stated they are not getting anything for their money. The bathrooms are a dump and most of the time are inoperable. The camp grounds are mowed about once a month.

Jackson stated in some areas at Lake Ellsworth it is obvious that nothing has been done. He questioned the cost of the new bathroom at School House Slough.

Shahan stated \$350,000 because of the water pump system. It was paid partially by a state grant and the rest by the city.

Jackson stated it is hard to make huge improvements when the fees only cover approximately half the budget. They are in a losing situation.

Drewry questioned how they could increase fees at Robinson s Landing when they are sitting on dry ground.

Warren stated they could raise the fees, but waive the fee until such time there is water.

Jackson stated he would go ahead and make the motion that they follow the recommendation of the Lakes and Land Commission on the fee structure.

Drewry questioned if that meant the additional 20% every year.

Jackson stated it would just be the 50% this year. If there is an increase next year it would have to come back to the City Council.

Vincent clarified that Ellsworth would go for front foot annually to \$12 with a \$400 minimum, Robinson s Landing would go for front foot annually to \$12 with a \$500 minimum and Lawtonka would go from \$12 to \$18 with a \$600 minimum.

Jackson stated he would like to exclude Robinson s Landing from any fee increases at this time because the city is under negotiation with a concessionaire and they will have no input on the cost of those leases.

Warren questioned if the council would consider a flat 50% increase with no minimum.

Jackson stated that is fair. He stated that if a boathouse owner is sitting dry, please apply for a fee waiver.

MOVED by Jackson, SECOND by Warren, to approve **Resolution 06-111** increasing boathouse fees at Lake Lawtonka and Lake Ellsworth by 50%, no minimum and excluding Robinson s Landing. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(City Council recessed at 8:02 p.m. and reconvened at 8:11 p.m.)

20. Hold a public hearing and consider an ordinance annexing approximately 160 acres of land into the corporate city limits located in Southeast Quarter of the East Half of Section 2, Township 1 North, Range 13 West, I.M. Comanche County, Oklahoma, providing for severability and declaring an emergency. Exhibits: Request Letter, Location Map, Ordinance 06-\_\_\_\_ and Notice of Publication.

Vincent stated included in the agenda packet is a letter from the Lawton Industrial Foundation requesting that this tract of land, southwest of Goodyear be annexed to the city.

PUBLIC HEARING OPENED.

Court Newkirk, Lawton Industrial Foundation, stated they are making this request because the industrial clients will expect city services.

Shanklin questioned in what school district was this property located.

Warren stated Cache.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Warren, to adopt **Ordinance 06-35**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Givens, Drewry. NAY: Shoemate. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-35

An ordinance providing for the attachment of a certain parcel of land into the City of Lawton, Comanche County, Oklahoma, classifying said territory as Temporary I-1 (Restricted Manufacturing and Warehousing District) zoning classification for a period not exceeding one (1) year, and declaring an emergency.

Mayor Pro Tem Patton requested item #23 be addressed next.

23. Consider awarding a construction contract for the Southeast Water Treatment Plant Project to Archer Western Construction. Exhibits: None.

Jerry Ihler, Public Works Director, stated as part of the 2005 CIP, the citizens of Lawton approved a 10 million gallon a day water treatment plant for the Southeast Water Treatment Plant project. This is a facility that will treat water from Lake Ellsworth by gravity flow and will receive water from Waurika without having to use the relief pump station. In February 2006 the City Council approved plans and specifications and authorized staff to go out for bids for construction. On May 23, 2006, they did receive bids. Staff is recommending awarding the construction project to Archer Western Construction of Arlington, Texas. They were the lowest best responsive bid. They did receive three bids. They are recommending the award of the base bid and the total contract amount with Alternate 5 and Alternate 6 in the amount of \$30,373,000. If the contract is awarded Archer Western and the City of Lawton will conduct a value engineering effort in attempt to identify some potential cost savings. When this was done with the Medicine Park project they were able to identify about \$2.1 million by making some changes without affecting the quality of the project and meeting the safe drinking water standard. The Medicine Park project was a renovation of an existing plant and there are more areas to find to do differently. With a new construction he does not expect to find reductions of \$2 million, but they will be able to find some items. He stated they also have to do the water distribution mains and the water tower which will be bid after the first of the year. He identified the project staff has recommended for deferral to be able to award the water distribution and water tower project at a later date.

Givens questioned when the treatment plant is constructed will there be any more pumping from Ellsworth to Lawtonka.

Ihler stated once the plant comes on line, they will implement a new pumping policy as it relates to all of the lakes. Staff will evaluate the lake levels because they will be able to gravity flow Ellsworth water to the Southeast plant at 10 million gallons a day, which means that is 10 million gallons that they will not have to pump from Ellsworth to Lawtonka. Staff will come back to the City Council with a new recommend policy on both of the pumping areas. There still will be pumping from Ellsworth to Lawtonka depending on the lake levels.

Shanklin stated they will have to pump the finished product forever and ever to get it in our system. He questioned if he has figured that cost.

Ihler stated they looked at if they are pumping 25 million gallons a day from Waurika to Ellsworth and Ellsworth to Lawtonka and the difference if they were treating it at the Southeast plant versus Medicine Park would probably save approximately \$3,000 a day.

MOVED by Warren, SECOND by Givens, to award a construction contract for the Southeast Water Treatment Plant Project to Archer Western Construction in the amount of \$30,373,000 contingent upon ODEQ approval. AYE: Shanklin, Patton, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. ABSENT: Haywood. MOTION CARRIED.

21. Hold a public hearing and consider an ordinance changing the zoning from R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification located at 2012 NW Taft Avenue. Exhibits: Ordinance No. 06-\_\_\_\_, Location Map, Site Plan, Application and CPC Minutes.

Richard Rogalski, Planning Director stated this request is for a tract measuring 21.5' x 131'7" located in Lot 2, Block 51, Lawton Heights Addition. The applicant is Richard McLaughlin. The zoning of the surrounding area is R-4 and C-5 (General Commercial District) to the north and south, R-4 to the east, and C-5 to the west. The land use of the surrounding area is single-family residential and commercial (small engine repair shop) to the north; single-family residential and commercial (real estate office) to the south; single-family residential to the east, and commercial (Mom s Wash & Dry) to the west. The current use of the requested area is a single-family residential structure. The proposed use is additional parking lot for Mom s Wash & Dry located on the adjacent lots to the west. The 2025 Land Use Plan designates the entire block as Commercial.

On May 25, 2006 the City Planning Commission held a public hearing on this request. During the public hearing one person (the applicant) spoke in favor of the request. The CPC, by a vote of 8 - 0, recommended approval of the request.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren, SECOND by Givens, to adopt **Ordinance 06-36**, waive the reading of the ordinance, read the title only. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Shanklin. NAY: None. ABSTAIN: Jackson. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-36

An ordinance changing the zoning classification from the existing classification of R-4 (high density apartment district) to C-1 (local commercial district) zoning classification on the tract of land located at 2012 NW Taft Avenue which is more particularly described in Section one (1) of the

ordinance; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

22. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling District) zoning classification located at 1202 and 1204 SW 25<sup>th</sup> Street. Exhibits: Ordinance No. 06-\_\_\_, Location Map, Application and CPC Minutes.

Rogalski stated this request includes Lots 16, 17, and the west 15 feet of Lot 18, Block 2, Sunset Addition which measure 155' x 115'. The property owners, Steve McKee, Terry Wells, and Jay Hilliard signed the application, and the applicant is Wells Construction, Inc. The zoning of the surrounding area is R-1 to the north, south, east and west. The land use of the surrounding area is single-family residential to the north, south, east and west. The current use of the requested area is vacant. The proposed use is two duplexes. A site plan is not required for R-2 zoning requests. The 2025 Land Use Plan designates these lots as Residential/Low Density.

On May 25, 2006 the City Planning Commission held a public hearing on this request. During the public hearing one person spoke stating she did not object to the rezoning if the units would not be larger than two bedroom units. Staff explained the City could not set a limit on the number of bedrooms; however, the size of the lots would limit the size of the structures. The CPC, by a vote of 8 - 0, recommended approval of the rezoning.

Notice of public hearing was mailed on June 6, 2006 to 54 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on June 11, 2006. One telephone call against the request has been received.

PUBLIC HEARING OPENED.

Debra Chu, 1212 SW 25 Street, stated she bought her home last year with the knowledge that there were no duplexes in the area, it was all single family homes. She has seen what happens to a neighborhood when you start putting duplexes in the area. She is highly against it. There will only be people coming and going who do not care about the property.

Terry Wells, 3502 SE 45<sup>th</sup>, applicant from Wells Construction, stated he has spoken with Ms. Chu regarding the floor plan. The duplexes will be two bedroom, brick buildings. They suspect that they will have an older clientele. The rent will be around \$600 month.

Shanklin questioned if this was two or four units.

Mr. Wells stated they will construct two duplexes, so there will be a total of four units. The lot is 115 x 77 .

Shanklin stated they evidentially fit the criteria for the number of square feet, but he questioned if both lots were 155 wide.

Mr. Wells stated yes.

Shanklin stated that whatever they build will enhance the surrounding property.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Warren, to adopt **Ordinance 06-37**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-37

An ordinance changing the zoning classification from the existing classification of R-1 (single-family dwelling district) to R-2 (two-family dwelling district) zoning classification on the tract of land located at 1202 and 1204 SW 25<sup>th</sup> Street more particularly described in Section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

25. Consider approving a Resolution directing actions to be taken concerning citations issued during the period of April 27, 2006 through June 13, 2006 for violations of Lawton City Code, 2005, Section 15-5-503, parking on grass. Exhibits: Resolution No. 06-\_\_\_.

Vincent stated at the June 13<sup>th</sup> City Council meeting staff was directed to prepare a resolution to grant amnesty to all first time citations. Staff has verified the beginning date as being April 27, 2006 and the ending date is June 13, 2006. If approved the Municipal Court Clerk is directed to withdraw outstanding summons. Because of the state budget act, they have to send the people who have paid a fine or dismissal cost a letter with a claim form to be filed. Approximately 105-110 have paid.

Shanklin stated on December 13, 2005, he was one of the perpetrators, but he truly was not. He read from excerpts from the December 13<sup>th</sup> City Council meeting. He stated he does not believe that two council members can direct the Mayor to do something in particular wards. He is having that checked. He did not hear Mr. Givens say that staff should stop giving warnings. He would not have supported that. He questioned how they could do this.

Vincent stated the City Council has continuously given either the City Manager, Finance Director, the Public Works and the City Attorney direction.

Shanklin stated that is not the same. This is not guidance, it is telling them to go write those tickets. The City Council did not give them that authority. He stated they waited four months to initiate this all over the city. He is not going to let this die. He does not know who is behind this.

Mitchell stated he took his direction from the City Council.

Shanklin questioned if he could read that in that letter that he got that direction.

Mitchell quoted from the December 13, 2006 minutes from Mayor Purcell We need to get them to comply with the ordinance and whether it takes Neighborhood Services or the police, if you two agree, it s in your ward, Larry s got the message. He stated he got the message that there was a consensus of the Council.

Shanklin stated there was no consensus, they weren t even listening.

Mitchell stated there was no objection.

Haywood stated his objection is they went out and wrote tickets without giving people warnings.

Shanklin stated they were talking about Ferris Street, not all over town. He drove down Ferris and there hasn t been anyone given a ticket yet.

Mitchell stated the direction he got that night was that they wanted staff to start enforcing the parking on the lawns, irrespective of neighborhoods, they were tired of people ignoring the ten day notice. He took that to mean, without any objection from individual council members, that staff was directed to start enforcing that ordinance.

Haywood stated that they did not know staff was going to go directly to individuals and give them tickets. He thought they would give a warning.

Mitchell stated they were not directed to give warnings.

Givens stated he said it and no one objected.

Mitchell stated he would accept the responsibility and he apologized if there was a misunderstanding. From what he read and heard that night, staff was directed to do it and so they did it. They have been directed to do things for the last four years he has been here without a formal vote of the Council.

Shanklin questioned why they even go through the process of voting. He questioned who they were trying to influence. How can they get other funding sources when they are out there stabbing them in the back trying to make a go of it. He stated that Ferris is the only place they could have done it, but they can't be discriminatory. What are they doing in Mr. Givens Ward?

Givens stated he needs to stop making statements that are utterly false. They do not have six inspectors in his ward.

Shanklin questioned how many he thinks there are.

Givens stated there are two inspectors paid by Community Development Division grant funds.

Shanklin stated they had it written up on the board as being Zone One. He stated he did not put us in this.

Mitchell stated the reason they waited until April was because of the time change. It made no sense to send the inspectors out in the evening in January and February. They waited until daylight savings time to change the work schedules.

Patton specifically stated that if the Council does not want to do this, they will not ask the City Manager. He took that to say that if anyone had any objections, they will not ask the manager.

Shanklin stated that they do not always hear everything that is said.

Drewry stated if they are going out to give warnings, do they know who they are giving warnings to, so next time they will get a ticket.

Mitchell stated the problem has been that if we give a ten day notice, they do not pay any attention.

Givens stated you can go around on a Saturday or Sunday and there will be 20, 30, 40 cars parked in the yard. Even after all this.

Haywood stated he came to the City Manager's office and requested a 72 hour notice. He stated the City Attorney stated that ten days was too much. He stated they did not discriminate, it was all over town.

Shanklin stated they are alienating the voting public.

Drewry stated she has had a lot of calls from people who want this enforced because of their neighborhoods.

Warren questioned if the City Council can request that ordinances only be enforced on a certain street. Can they direct staff to only enforce an ordinance on a particular street.

Shanklin stated they don't have to ask that question because they already know that answer.

MOVED by Jackson, SECOND by Haywood, to adopt **Resolution 06-112** directing actions to be taken concerning citations issued during the period of April 27, 2006 through June 13, 2006 for violations of Lawton City Code, 2005, Section 15-5-503, parking on grass. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

26. Consider an ordinance amending Section 15-5-503, 506 and 507, Article 5-2, Chapter 5, Lawton City Code, 2005, by providing for a Notice of Violation for the storage or parking of motor vehicles to be issued prior to penalty and establishing enforcement and fines, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 2006-\_\_\_, City Council Minutes of December 13, 2005.

Shanklin questioned when they changed from reactive to proactive, was it by that one statement.

Vincent stated there is not a written policy, they have minutes from several years ago that says they would be reactive instead of proactive, but that does not prevent a police officer or any code enforcement officer from enforcing an obvious violation. That is just the policy on how they want to enforce.

MOVED by Haywood, SECOND by Jackson, to adopt **Ordinance 06-38**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shoemate, Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: Shanklin. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-38

An ordinance pertaining to nuisances and health amending Section 15-5-503, 506 and 507, Article 15-5, Chapter 15, Lawton City Code, 2005, by providing for a notice of violation for the storage or parking of motor vehicles to be issued prior to penalty and establishing enforcement and fines, providing for severability, and declaring an emergency.

29. Consider approving an ordinance pertaining to stormwater detention to exempt development on parcels less than one acre in size and not part of a larger common plan of development from the requirements to provide stormwater detention and from the submittal of a drainage study for review, and declaring an emergency. Exhibits: Ordinance No. 06-\_\_\_ and minutes from the April 13, 2006 City Planning Commission meeting.

Patton stated this ordinance exempts anything less than an acre for any type of drainage.

Greg Buckley, Assistant City Manager, stated this is the original ordinance that was postponed with regards to the keeping the integrity of the stormwater ordinance. Any parcel within the city limits less than one acre would not have to comply with the stormwater detention requirement or the study.

Vincent stated unless they split off that less than one acre in order to try to get around the drainage and detention requirements. It does say that it was not a common plan.

Buckley stated you can't take a larger parcel and split it out to exempt yourself from the original intent.



Warren questioned what would keep him from buying an acre on Ferris, developing it with no drainage and then someone buying the next acre with no drainage plan and so on and so on. They could have five acres that are purchased and developed and are dumping water on whomever they want.

Mitchell stated they could have a strip commercial area.

Warren stated he wished there was a way they could keep that from happening.

Shoemate stated that also bothers him. In the area where he lives as it started developing, it started flooding.

Charlie Wright stated if they would read the ordinance he believes that is already taken care of because it says not part of a larger common plan of development.

Vincent stated that is not correct. An example of a common plan of development is a ten acre tract and someone tries to split off .99 tenths of an acre to get around the drainage rule off of a ten acre tract. It there are individual tracts existing right now that are slightly less than an acre, even though they are next door to each other, they can be developed under this code without drainage.

Mr. Wright stated it says common plan of development. If his parcel had to connect to the one next door that would definitely be a common plan. He stated if anyone wants to add anything over 100 square feet on a piece of property, he is going to have to do the full drainage study. They are now going to be required to send the engineer back into the field when the project is done and do a complete as built survey also certified by the engineer that has to go back to the city.

Drewry stated this does create a problem.

Buckley stated the as built requirement is a requirement that currently exists with or without this ordinance on any development.

Warren stated he wants to do whatever they can to make it easier for people to build small businesses, but at the same time they need to protect those individuals that have home and businesses in the area. Surely they can put some wording in when dealing with a one acre site that adjoins the building site.

Patton stated that was his initial concern, but having talked with a lot of people, he felt there is not enough of that out there. The ones they will have to worry about are the big multi-acre areas that include pavement and parking. Those kinds of developments are going to be subject to that type of requirement.

Warren stated he could easily create a 25 acre run off on Ferris with absolutely no control.

Patton stated that would not be cost effective for a developer to do that.

Drewry stated he may not be trying to do this, but it just might happen.

Warren stated they needed to think about this.

Vincent stated one of the codes from other cities they reviewed said lots in existence as of a certain date. So they could not go out and create a less than one acre lot in the future and get around the ordinance.

Mr. Wright stated at that time the project would become larger than an acre. If they interconnected those tracts, they would be required to do the drainage study.

Vincent stated the Council may want to approve this ordinance with the direction to come back with another amendment. He stated he would like to have an effective date.

Dr. Montgomery stated the zoning change that was just approved with the seven or eight parking spaces would require a full drainage study, which is silly. He stated he if building a less than once acre plot on Cache Road and the city requires a drainage study. He can t put any drainage onto the neighboring property. He stated if this is not approved, then he cannot build a building. He would have to dig out 70 feet of Cache Road and put a lake there to stop the water.

MOVED by Shanklin, SECOND by Patton, to adopt **Ordinance 06-39**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: Givens. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-39

An ordinance pertaining to stormwater detention amending Sections 19a-1-2-123 and 19a-1-2-125, Division 2, Article 1, Chapter 19a, Lawton City Code, 2005, by exempting tracts of land less than one acre in size and not part of a larger common plan of development from the requirement to provide detention and a drainage study, providing for severability, and declaring an emergency.

28. Consider an ordinance amending Section 14-1-107, Article 14-1, Chapter 14, Lawton City Code, 2005, by establishing the effective dates and areas of the moratorium on the issuance of building and remodel permits, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

THIS ITEM WAS STRICKEN.

30. Consider an Ordinance amending Chapter 22-1-1-102-A(1)(2) by increasing the annual household income limit for elderly and disabled persons from \$18,000.00 to \$26,300.00 to qualify for a reduction in utility rates and for deferral of the late payment penalty on current utility bills and declare an emergency. Exhibits: Ordinance No. 06-\_\_\_\_.

Drewry stated she thought this was for anyone with an income of \$26,300 or less.

Vincent stated this has always been for persons 65 years of age or older or disabled. He stated the \$26,300 is tied to the CDBG Section 8 income threshold for a single person.

Shanklin stated that is a big jump.

Drewry stated she thought they had discussed setting the limit at \$20,000.

Shoemate stated they had talked about \$23,000.

Shanklin suggested they set it at \$22,000. He stated when he looked at \$20,000 the City Attorney informed him that the bonding company would look

unfavorably at giving our water away.

Vincent stated he did say that several years ago.

Haywood questioned when they talk about low income disabled, who are they talking about.

Vincent stated people who make less than that income limit that are either disabled or over 65.

Haywood stated that during the budget session they were talking about low income individuals.

Al Caldwell, 1420 NE Rogers Lane, stated that in the second paragraph of section 2 there is a statement that says criteria of age, income or disability. He stated there are people that just don't make enough money. They are not disabled or over 65, and maybe they should be considered for this reduction.

Vincent stated they do pledge our revenue to pay off our water bonds and other revenue type bonds and if they start significantly affecting the income, they are affecting their bonds.

MOVED by Shoemate, SECOND by Shanklin, to adopt **Ordinance 06-40**, by increasing the annual household income limit for elderly and disabled persons from \$18,000.00 to \$22,000.00 to qualify for a reduction in utility rates and for deferral of the late payment penalty on current utility bills, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Warren. NAY: Haywood. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-40

An ordinance pertaining to utilities amending Section 22-1-1-102, Division 22-1-1, Article 22-1, Chapter 22, Lawton City Code, 2005, by increasing the annual household income limit for elderly and disabled persons to qualify for a reduction in utility rates and for deferral of the late payment penalty on current utility bills, providing for severability and declaring an emergency.

31. Consider adopting an ordinance notifying the public of the publication of Supplement No. 1 to the Lawton City Code, 2005, and declaring an emergency. Exhibits: Ordinance No. 2006-\_\_.

Vincent stated periodically staff if required to republish into the code book the ordinances that have been passed over a period of time, usually 6-9 months. This will be current through April 2006 from last July.

MOVED by Drewry, SECOND by Givens, to adopt **Ordinance 06-41**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-41

An ordinance approving supplement No. 1 to the Lawton City Code, 2005, directing filing and notification of the publication of supplement No. 1 to the Lawton City Code, 2005, and establishing a fee for the sale of supplement No. 1, and declaring an emergency.

32. Consider an ordinance amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code, 2005, by providing an exception to landfill fees, providing for severability and declaring an emergency. Exhibits: Ordinance No. 2006-\_\_.

Vincent stated during the budget session staff was requested to look at the possibility of exempting apartment complexes from having to pay landfill fees for materials they found in their area that they had to haul to the landfill because city trucks could not pick them up. The proposed ordinance would exempt multi-family residential apartment complexes from the fee if hauled to the landfill in commercial trucks with the appropriate water bill.

Shanklin questioned what a commercial truck meant.

Vincent stated a truck owned by the apartment complex that has a commercial plate.

Shanklin questioned if they were going to change the pick up situation as to couches and chairs. They are accumulating in the alleys. He questioned if the city is refusing to pick those items up at this time.

Mitchell stated we are not picking those items up at this time.

Shanklin stated we went from picking everything up to be very selective.

Givens stated he agreed. He has a constituent in zone one who lives at the end of an alley and people dump on his property all the time.

Jackson stated he would like to increase the number of clean up programs during the year. He requested that staff look at what the additional costs would be to add one more clean up. With the changes in this ordinance, he hopes that no one will take this opportunity to create a trash hauling service.

Mr. Caldwell stated that concern is valid and he sees no solution. They have that problem now with single family housing. He stated he has a one ton truck that he pulls a trailer. It has a farm tag but it is part of his corporation.

Haywood questioned what they do when people move out of single family housing and leave couches and furniture.

Mr. Caldwell stated that single family rental units deserve the same consideration as everyone else. They still pay a bill on it.

Mitchell stated that is the responsibility of the property owner.

Mr. Caldwell stated it is the responsibility of the person who is occupying that property.

Warren stated it should be the responsibility of the person who pays the utility bill.

Shanklin stated that the refuse employees could radio in those items that they cannot pick up. They can then send a truck around to pick up.

Mitchell stated they have a crew out there that pick up commercial dumpsters and if they had another truck following them around and picking up everything else that was not in the dumpster, once the word gets out, people will be dumping stuff by the dumpster all the time.

MOVED by Jackson, SECOND by Givens, to adopt **Ordinance 06-42**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-42

An ordinance pertaining to utilities amending Section 22-1-4-144, Division 22-1-4, Article 22-1, Chapter 22, Lawton City Code, 2005, by providing that no charge will be assessed for commercial vehicles owned and operated by the owner or management official of a multifamily residential apartment complex that is hauling waste to the city landfill, providing for severability and declaring an emergency.

33. Consider an ordinance amending Section 20-1-101, Chapter 20, Lawton City Code, 2005, providing for revocable permits for the purpose of parking, circulation and maneuvering on utility easements. Exhibits: Ordinance No. 06-\_\_.

Vincent stated when staff looked at a revocable permit for a development going in on the west side of town, they needed to use part of the utility easement for parking and maneuvering and they found that the city code does not provide for that but does allow parking and maneuvering in right of ways in certain instances. Staff thought it was more fair to allow parking and maneuvering in utility easements.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance 06-43**, waive the reading of the ordinance and read the title only. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-43

An ordinance pertaining to streets amending Section 20-1-101, Article 20-1, Chapter 20, Lawton City Code, 2005, by adding parking, circulation and maneuvering encroachments upon utility easements as eligible for revocable permits authorized by the city council and providing for severability.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood stated he voted no on item 30 because he wanted the limit to be raised to \$26,000

Shanklin stated if the Council gives him permission he will get a bucket of concrete and fix the curb in the parking lot between two city cars. Everyone who drives through to pay their water bill can see it. We are after citizens to clean up their yards but we have a curb missing in front.

Jackson stated he is serious about the Manager and City Council considering adding another clean up day to the city wide program. He would like to explore the costs.

Council agreed to give direction to staff to look at an amendment to the code.

Drewry stated the 4<sup>th</sup> of July is coming up and fireworks are sold in the city limits, but there is no place to shoot them off. She questioned if LATS service could shuttle kids off to a designated area to shoot fireworks. She suggested they look at that option.

Jackson stated the liability would scare him.

Drewry thanked Haywood for inviting her to Juneteenth.

Patton stated the singing group at Juneteenth was something else.

Rick Endicott, Finance Director, stated that regarding the change in the income limit for reduction in utility rates, he questioned if it was the intent of the City Council that this change will go into effect immediately.

It was the consensus of the City Council that the change is immediate.

The Mayor and Council convened in executive session at 9:50 p.m. and reconvened in regular, open session at 10:00 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Billie and Richard Coleman, DC-2006-24, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of item 34 shown above. He said the Council did receive a briefing on the claim.

MOVED by Jackson, SECOND by Warren, to approve settlement of the property damage portion of the claim of Billie and Richard Coleman in the amount of \$3,026.33 without the admission of liability and authorize the signature of all related documents. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

35 Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the semi-annual evaluation review of John H. Vincent, City Attorney, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Pro Tem Patton read the title of item 35 shown above.

MOVED by Jackson, SECOND by Haywood, to approve an amendment to the contract of the City Attorney and increasing the salary to \$96,000 and authorize the Mayor and City Clerk to authorize the agreement with the increasing going into effect at the beginning of the next pay period. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

There being no further business to consider, the meeting adjourned at 10:04 p.m. upon motion, second and roll call vote.

JEFF PATTON, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK